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PATENT
Docket No.: SE9-99-007 (1963-7342)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lipscomb et al. :
Serial No.: 09/444,317 : Art Unit: 2674
Filed: November 22, 1999 : Examiner: F. N. Nguyen
For: SYSTEM AND METHOD FOR RECONCILING MULTIPLE INPUTS

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR 1.142

Commissioner for Patents
Washington, D.C. 20231

Sir:

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In response to the Office Action of September 3, 2002, Applicants traverse a requirement for restriction between claim groups, as follows:

Group I: Claims 1-16, 20-27, drawn to user input control resulting in output display and classifiable in class 345, subclass, 157; and

Group II: Claims 17, 18 and 19, drawn to a method of generic control and associated control apparatus, classifiable in class 700, subclass, 28.

Applicants submit the requirement for restriction between the groups is without support because the Groups are not capable of supporting separate patents. Nor, are the Groups independent and distinct from each other, as required by 37 CFR 1.142. The groups are not independent since they are connected in design, operation and affect. The Groups are not distinct because they are believed not patentable over each other. Group I describes reconciling inputs to control animation with respect to two input: an "X input and a Y input. Group II describes a system for controlling more than two inputs, as described in the specification at page 16, second full paragraph.

Moreover, the searching of Group II comprising three claims should not present a serious burden on the Examiner if restriction is not required.

Summarizing, Applicants submit that (1) all groups of restricted claims are properly presented in the same application; (2) the inventions are not independent and distinct, capable of supporting separate patents; (3) undue searching should not be required; and (4) all claims should be examined together. It is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all claims is respectfully solicited.

In any case, Applicants provisionally elects Group I for prosecution and reserves the right to file divisional applications on the non-elected claims.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any fees or insufficient fees or credit any payment or overpayment associated with this application to Deposit Account No. 09-0452 Order SE9-99-007 (1963-7342). A duplicate of this authorization is attached for the Finance Branch.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: September 16, 2002

By: _____

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